

## **RTP APPENDIX B**

### **Legislative Bibliography**

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## X. APPENDIX B - LEGISLATIVE BIBLIOGRAPHY

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### State Statutes

#### Government Codes

- 14032(a)     RTP/RTIP Evaluation Requires Caltrans to prepare and submit to the Commission a review and evaluation of the RTPs and the RTIPs and any conflicts between them.
- 14522        Guidelines Authorizes the Commission to prescribe study areas for analysis and evaluation, and to issue guidelines for the preparation of the RTP.
- 14526.5     State Highway Operations and Protection Program (SHOPP) Requires Caltrans to prepare a highway operations and protection program to preserve and protect the state highway system. Capital improvements are limited to maintenance, safety, and rehabilitation that do not add a new traffic lane to the system.
- 29535        Local Transportation Commissions (LTCs) Requires formation of a LTC within each county which is not within a statutorily created RTPA or a Council of Governments (COG).
- 65070        Long-Range State Transportation Plan States that it is in the interest of the State of California to have an integrated state and regional transportation planning process and that federal law mandates the development of a state and regional long-range transportation plan as a prerequisite for receipt of federal transportation funds. It is the intent of the Legislature that the preparation of these plans shall be a cooperative process involving local and regional government, transit operators, congestion management agencies, the goods movement industry, and the process be a continuation of activities performed by each entity and be performed without any additional cost.
- 65072        Elements of the CTP Specifies that the CTP shall include a policy element, a strategies element, and a recommendations element, and that the CTP shall not be project specific.
- 65073        California Transportation Plan (CTP) Authorizes Caltrans to prepare a California Transportation Plan consistent with federal and state law to be submitted in December 1993.
- 65073        CTP Review and Comment Requires the Department to submit the California Transportation Plan to the Governor by December 1, 1993. The Department shall make a draft of its proposed plan available to the Legislature, the Commission, and the regional transportation planning agencies for review and comment. The Commission may present the results of its review and comment to the Legislature and the Governor. The Legislature intends to hold public hearings and submit its comments to the Department and the Governor by conducting joint hearings of the Transportation Committees of the Senate and Assembly. The Governor shall adopt the plan and submit the plan to the Legislature and the Secretary of the United States Department of Transportation.

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- 65080      Designation Authorizes the designation of transportation planning agencies (RTPAs) by the Director of Caltrans.
- 65080      RTP Preparation Requires the preparation and adoption of the RTP and, for transportation planning agencies and county transportation commissions over 50,000 urban population, the preparation and adoption of RTIPs.
- 65080      RTP Contents Describes the required contents of the RTP.
- 65080.5    RTP Preparation by Caltrans Specifies the requirements applicable for Caltrans to prepare an RTP, and outlines the procedure by which the preparation of the RTP can be assumed by the RTPA.
- 65081.1    Airport Ground Access Requires each RTPA with a primary airport to include an airport ground access improvement program in the update of its RTP. The program should be developed in consultation with other local and regional transportation planning agencies.
- 65086      Caltrans System Planning Requires Caltrans to perform long-range state highway system planning.
- 65089      Congestion Management Program Requires the development, adoption and biennial update concurrent with the RTIP process, of a congestion management program (CMP) by each county with an urbanized area, and specifies the elements of such programs.
- 65089.2    CMAQ and STP Funding Prohibits the regional agency from programming any federal surface transportation program (STP) funds or CMAQ funds in a county which has not adopted a congestion management program (CMP) by December 31, 1992 as required by Government Code, Section 65089, or in a jurisdiction that has been found to be in nonconformance with a CMP pursuant to Government Code, Section 65089.4 unless the agency finds the project is of regional significance.
- 65090      Public Hearing Specifies that a notice of public hearing for the adoption of the RTP must be posted at least 10 days prior to the hearing.

### **Streets and Highways Code**

- 164.6      State Highway Operations (SHOPP Program) Requires Caltrans to prepare a 10-year rehabilitation plan for state highways and bridges. The 10-year time frame begins July 1, 1998 and the plan is to be updated every two years.
- 194        Funding Apportionment Requires an amount equal to the pro rata share for transportation planning duties attributable to highways and for exclusive public mass transit guideway planning and their development to be shown in the department's proposed budget.

### **Public Utilities Code**

- 21682.5      Funding Aviation Requires the Department to pay the pro rata share of the comprehensive transportation duties attributable to aviation planning and research.
- 21701-06      Airport Planning Specifies the RTPA's role in the development of the California Aviation System Plan (CASP) and the preparation of a 10-year Capital Program.
- 99311          Funding Requires the State to make available specific funds for state transportation duties attributable to aviation planning, and regional transportation planning by the RTPAs.
- 99311.5        Funding Match Specifies that the funds allocated to RTPAs for the preparation of RTPs may be up to 70 percent of their non-federally- reimbursed costs for regional transportation planning. It also provides the Director of Caltrans with the ability to provide a higher percentage of those costs for counties of less than 500,000 persons, if it is determined to be in the best interests of regional and state transportation planning to do so.

### **Public Resource Code**

- 21000 et seq. California Environmental Quality Act (CEQA) Requires that every public agency in California assess the environmental impacts of every discretionary plan, program and project it seeks to undertake. Further, the State Clearinghouse (SCH) has promulgated rules and guidelines for the orderly processing and review of environmental documents.
- Requires State agencies to regulate their activities with major consideration for environmental protection.
- 21002.1 (d)   Environmental Impact Report Requires an environmental impact report to be prepared if the project has a significant effect on the environment.

### **Health and Safety Code**

- 40717          California Clean Air Act Requires air quality plans to include reasonably available transportation control measures. Specifies performance standards for serious areas (substantial reduction in the rate of increase in trips and VMT) and additional standards for severe areas (1.5 persons per passenger vehicle in commute periods by 1999).

### **Code of Regulations Title 14 Division 6, Chapter 3**

- 15000-15387 California Environmental Quality Act Guidelines Provides comprehensive CEQA regulatory guidance in areas of planning, programming, and project development.

**Federal Statutes**

**Title 23 - Highways (United States Code), Sections 134, 135, 303, 315**  
**Chapter 1 - Surface Transportation**

- 101(a)      Definitions Defines, the terms "urban" and "urbanized area" used in Title 23.
- 104(f)      Planning Funds Sets aside one percent of the funds authorized for the National Highway System (NHS), STP, CMAQ, Interstate Maintenance Program, and the Bridge Program for transportation planning in urbanized areas by metropolitan planning agencies.
- 134(a)      Metropolitan Planning General Requirements States that it is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.
- 134(c)      Metropolitan Area Boundaries The boundaries of a metropolitan area shall be determined by agreement between the metropolitan planning organization and the Governor. Each metropolitan area shall cover at least the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census. For areas designated as nonattainment areas for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan area shall at least include the boundaries of the nonattainment area, except as otherwise provided by agreement between the metropolitan planning organization and the Governor.
- 134(e)      Coordination of MPOs Requires that areas that have more than one metropolitan planning organization in a metropolitan area or is within an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for the area and the State in the coordination of plans and programs required by this section.

- 134(f)      Seven planning factors to be considered   TEA-21 amended title 23 sec 134 (f) of the United States Code. As a consequence, the scope of the planning process for all MPOs requires plans and programs to consider projects and strategies that will:
- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
  - Increase the safety and security of the transportation system for motorized and nonmotorized users;
  - Increase the accessibility and mobility options available to people and for freight;
  - Protect and enhance the environment, promote energy conservation, and improve quality of life;
  - Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
  - Promote efficient system management and operation and;
  - Emphasize the preservation of the existing transportation system.
- 134(l)      Additional Requirements for Certain Nonattainment Areas   For transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, federal funds may not be programmed in such area for any highway project that will result in a significant increase in carrying capacity for single-occupant vehicles unless the project is part of an approved congestion management system.
- 135      Statewide Planning   Requires the State to develop a long-range transportation plan for all areas of the State in cooperation with metropolitan planning organizations and, for areas of the State under the jurisdiction of an Indian tribal government, in cooperation with such government and the Secretary of the Interior. In developing the plan, the State shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan. In addition, the State shall develop a long-range plan for bicycle transportation and pedestrian walkways for appropriate areas of the state that shall be incorporated into the long-range transportation plan. The State planning process shall, at a minimum, consider 20 factors specified in this section.

- 137        Planning Requirement Requires that any fringe and corridor parking facilities programs must be based on a continuing comprehensive transportation planning process carried on in accordance with Section 134.

### Chapter 3 - General Provisions

- 303        Management Systems Allows the States to develop, and implement systems for managing highway pavement (PMS), bridges on and off Federal-aid highways (BMS), highway safety (SMS), public transportation facilities and equipment (PTMS), and ITMS.
- 315        Planning Regulations Authorizes the Secretary of Transportation to issue rules, regulations and recommendations to implement the provision of this title.

### Title 49 - Transportation (United States Code)

#### Chapter 21 - Federal Transit Act

- 5302        Definitions Defines, among others, the terms "handicapped person", "mass transportation", "urban area", and "urbanized area".
- 5303        Planning Requirements Sets out national policy for transportation planning in urban areas. Requires that a process be conducted that is continuing, cooperative, and comprehensive. Suggests content and analysis requirements for transportation plans and programs.
- 5306        Private Enterprise Participation Specifies that the plans and programs required by Section 1607 "... shall encourage to the maximum extent feasible the participation of private enterprise".
- 5338        Funding Authorizations Specifies the authorizations to implement the provisions of the chapter, including planning in urban areas under Section 1607, and planning in rural areas under Section 1614.

### Federal Clean Air Act Amendments of 1990

#### Title I – Air Pollution Prevention and Control

- 108(f)Transportation Control Measures (TCM) lists the following Measures. TCMs actually in place for a nonattainment area will be listed in the applicable SIP.
- i.        programs for improved public transit;
  - ii.       restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high occupancy vehicles;
  - iii.       employer-based transportation management plans, including incentives;

- iv. trip-reduction ordinances;
- v. traffic flow improvement programs that achieve emission reductions;
- vi. fringe and transportation corridor parking facilities service multiple occupancy vehicle programs or transit service;
- vii. programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use;
- viii. programs for the provision of all forms of high-occupancy, shared-ride services;
- ix. programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;
- x. programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, both public and private areas;
- xi. programs to control extended idling of vehicles;
- xii. programs to reduce motor vehicle emissions, consistent with Title II, which are caused by extreme cold start conditions;
- xiii. employer-sponsored programs to permit flexible work schedules;
- xiv. programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity;
- xv. programs for new construction and major reconstruction of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior; and
- xvi. program to encourage the voluntary removal from use and the marketplace of pre-1980 model year light duty vehicles and pre-1980 model light duty trucks.

### **Title 42 - Public Health and Welfare**

#### **Chapter 85 - Air Pollution Prevention Control**

##### Subchapter I - Program and Activities

##### Part D - Plan Requirements for Nonattainment Areas



- 7504(b) State (Air Quality) Implementation Plan Coordination - The preparation of State Implementation Plans by regions which are classified as nonattainment of the national air quality standards must be coordinated with the planning process required by Section 134 of Title 23. Conversely, such planning processes are required to take into account the requirements of this part.
- 7506(c) Plan Conformance - No metropolitan planning organization shall approve any project, program, or plan that does not conform to the region's State Implementation Plan. Conformity means conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards; and that implementation of the RTP will not contribute to a new violation of air quality standards, increase the frequency or severity of any existing violations, or delay timely attainment of a standard or required interim emissions reductions. Emissions expected from RTP/RTIP implementation are to be consistent with motor vehicle emissions reductions contained in the applicable SIP.

**Federal Regulations**

**Title 23 Code of Federal Regulations**

- Part 450.316(a)      Planning Factors Factors that shall be explicitly considered, analyzed as appropriate, and reflected in the planning process products.
- Part 450.316(b)(1)   Public Involvement - Requires transportation planning process to include a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans.

**Title 40 Code of Federal Regulations**

- Part 51              Provides requirements for preparation, adoption, and submittal of implementation plans.

**Title 40 Code of Federal Regulations**

- Part 93
- Subpart A      Conformity - Requires conformity of state or federal implementation plans with transportation plans, programs, and projects developed, funded or approved under title U.S.C. or Title 49 U.S.C.
- 93.106              Describes the contents of the transportation plans.
- 93.109              Provides the criteria and procedures for determining conformity of the transportation plans, programs, and projects.
- 93.110              Provides criteria and procedures for the latest planning assumptions.
- 93.111              Provides criteria and procedures for the latest emissions model.
- 93.112              Provides criteria and procedures for the consultation process.
- 93.113              Provides criteria and procedures for timely implementation of the TCMs.
- 93.114              Provides criteria and procedures for a conforming transportation plan and TIP.
- 93.115              Provides criteria and procedures for project approval from a plan and TIP.
- 93.116              Provides criteria and procedures to address localized CO and PM10 violation in non-attainment and maintenance areas.

- 93.117 Provides criteria and procedures for compliance with PM10 control measures.
- 93.118 Provides criteria and procedures for motor vehicle emissions budget.
- 93.119 Provides criteria and procedures for emission reductions in areas without motor vehicle emissions budgets.
- 93.122 Provides procedures for determining regional transportation related emissions.

**Title 40 Code of Federal Regulations**

Part 93

- Subpart B Provides conformity of general federal actions to state or federal implementation plans.